

ORIGINAL

Case 1:07-cv-06189-LLS Document 9

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DATE FILED: 10/19/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN GARVEY,

Plaintiff(s),

-against-

JULES ABADI,

Defendant(s),

NOTICE OF MOTION
TO REMAND ACTION
TO STATE COURT:
ABSENCE OF FEDERAL
QUESTION

07 Civ. 6189 (LLS)

TO: Rubin, Fiorella & Friedman, LLP
292 Madison Avenue
New York, NY 10017
Attorneys for Defendant JULES ABADI

PLEASE TAKE NOTICE that on this date plaintiff SUSAN GARVEY, by her undersigned counsel, THE YANKOWITZ LAW FIRM, P.C., has filed a notice of motion in the office of the Clerk of the United States District Court for the Southern District of New York, for an order remanding this action to State Court. This motion is made on the grounds that:

1. This action does not involve any substantial or genuine claim or right arising under the Constitution, laws, or treaties of the United States.
2. No other basis for federal jurisdiction exists or has been claimed.
3. This Court therefore has no jurisdiction over this action.

Plaintiff also moves the Court for an order directing defendant to pay all costs and attorneys fees plaintiff has incurred as a result of defendant's removal of this action.

Dated: Great Neck, NY
July 23, 2007

THE YANKOWITZ LAW FIRM, P.C.
Attorneys for SUSAN GARVEY

By: *[Signature]*

*Remand to the Supreme Court
of the State of New York, County of
New York, is granted, without
opposition. So Ordered,
Louis L. Stanton 10/18/07*

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